

(2) (i) Notwithstanding any other provisions in this section, an insurer may not make or permit any differential in ratings, premium payments or dividends for life insurance and annuity contracts for any reason based on the blindness or other physical handicap or disability of an applicant or policyholder.

(ii) Actuarial justification for the differential may be considered for a physical handicap or disability other than blindness or hearing impairment.

(3) An insurer may not refuse to insure or make or permit any differential in ratings, premium payments, or dividends in connection with life insurance and life annuity contracts solely because the applicant or policyholder has the sickle-cell trait, thalassemia-minor trait, hemoglobin C trait, Tay-Sachs trait, or any genetic trait which is harmless within itself, unless there is actuarial justification for it.

(b) (1) No person shall make or permit any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of health insurance or in the benefits payable thereunder, or in any of the terms, or conditions of such contract, or in any other manner whatever.

(2) Notwithstanding any other provisions in this section, an insurer may not make or permit any differential in ratings, premium payments or dividends for any reason based on the sex of an applicant or policyholder unless there is actuarial justification for the differential.

(3) (i) [Notwithstanding] EXCEPT AS PROVIDED UNDER § 223.1 OF THIS SUBTITLE AND NOTWITHSTANDING any other provisions in this section, an insurer may not make or permit any differential in ratings, premium payments or dividends for health insurance contracts for any reason based on the blindness or other physical handicap or disability of an applicant or policyholder.

(ii) [Actuarial] EXCEPT AS PROVIDED UNDER § 223.1 OF THIS SUBTITLE, ACTUARIAL justification for the differential may be considered for a physical handicap or disability other than blindness or hearing impairment.

[(4) An insurer may not make or permit any differential in ratings, premium payments, or dividends in connection with a health insurance contract solely because the applicant or policyholder has the sickle-cell trait, thalassemia-minor trait, hemoglobin C trait, Tay-Sachs trait, or any genetic trait which is harmless within itself, unless there is actuarial justification for it.]

223.1.

~~(A) IN THIS SECTION, "GENETIC INFORMATION" MEANS INFORMATION ABOUT THE GENES, GENE PRODUCTS, OR INHERITED CHARACTERISTICS OF AN INDIVIDUAL.~~

(A) IN THIS SECTION, "GENETIC TEST" MEANS A LABORATORY TEST OF HUMAN CHROMOSOMES OR DNA THAT IS USED TO IDENTIFY THE PRESENCE OR ABSENCE OF INHERITED OR CONGENITAL ALTERATIONS IN GENETIC MATERIAL THAT ARE ASSOCIATED WITH DISEASE OR ILLNESS.